

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Comprehensive Plan Conformity No. 01004
2nd & 'S' Street Conservation Easement

Date: December 5, 2001

PROPOSAL: Request by the Director of Planning on behalf of the People's City Mission, to find the acquisition of a permanent conservation easement over approximately 0.12 acres of floodplain on property generally located at North 2nd and 'S' Streets conforms with the Comprehensive Plan.

CONCLUSION: The conservation easement is an alternative to retaining an easement over the entire area of the vacation of the east-west alley from North 1st to North 2nd Streets in Block 264, Original Plat of Lincoln. The proposed easement will provide an equivalent amount of flood water storage. The easement conforms with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

APPLICANT: Kathleen Sellman, Director of Planning
Lincoln/Lancaster Co. Planning Dept.
(402) 441-7491

CONTACT: Becky Horner
Lincoln/Lancaster Co. Planning Dept.
(402) 441-6373

OWNER: Peoples City Mission
110 "O" Street
P.O. Box 80636
Lincoln, NE 68501
(402)475-1303

LOCATION: Northwest corner of 2nd and 'S' Streets.

LEGAL DESCRIPTION: The north 51.6' of Lots 11 and 12, Block 275, Original Plat of Lincoln, located in the SW 1/4 of Section 23 T10N R6E, Lancaster County.

SURROUNDING LAND USE AND ZONING:

North:	Salt Creek, undeveloped, and storage	I-1, Industrial
South:	City Mission storage shed and undeveloped	I-1
East:	Lumberyard storage yard and undeveloped	I-1
West:	Midland Equipment Company open storage	I-1

EXISTING ZONING AND LAND USE: Undeveloped I-1, Industrial

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan, Figure 16 "Lincoln's Land Use Plan" shows this area as industrial (page 39).

This area is in a 100-year flood zone. The Comprehensive Plan indicates a goal to:

"Protect natural stream corridors and enhance man-made open channels for the purpose of improving water quality and reducing flood damage and erosion while retaining open space"(page 70) and to "Protect the quantity and quality of ground and surface water"(page 70).

The proposed conservation easement is to protect the flood storage capacity of the 100-year floodplain. The Comprehensive Plan indicates that:

"maintaining the capacity of our flood ways and flood plains to contain and carry flood waters and prevent damage should be an important consideration in all planning and development" (p. 72).

HISTORY: The City Council approved Special Permit #1123A to expand the People's City Mission and to reduce the front yard setback from 15' to 6' on **January 18, 2000**.

City Council denied Special Permit #1554 for a salvage yard at N. 1st and R Streets on **April 12, 1995**.

City Council denied Special Permit #1369 for a self storage building at 415 N. 2nd Street on **June 18, 1990**.

The City Council approved Special Permit #1123 for the People's City Mission on **January 28, 1985**.

Ordinance #13562 vacating "S" Street from the east line of North 1st Street to the west line of North 2nd Street was approved by the City Council **March 28, 1983**.

The area was zoned L, Heavy Industrial until it was updated to I-1, Industrial during the **1979** zoning update.

PURPOSE: To permanently protect the flood storage of this area by preventing encroachment by buildings or fill.

ASSOCIATE APPLICATIONS: Street and Alley Vacation #01021

ANALYSIS:

1. Associated application Street and Alley Vacation #01021 requests to vacate the east-west alley from N 1st to N 2nd Streets in Block 264, Original Plat of Lincoln.
2. The conditions for the vacation included the requirement that all fill be removed and a permanent conservation easement be retained to prevent loss of flood storage due to fill or structures.
3. Subsequently, the owners proposed an alternative whereby a conservation easement is granted to the City so that the vacated alley can accommodate a future building. The equivalent in flood storage for this building area is proposed to be provided in a 0.12-acre (5,160 square-foot) permanent conservation easement on the north 51.6-feet of Lots 11 and 12, Block 275, Original Plat of Lincoln.
4. This is an acceptable alternative which preserves the same amount of flood storage.
5. Unlike the case where a conservation easement is *retained* over property vacated by the City, the *acquisition* of conservation easements are required by state law to be referred to the appropriate governing body for approval prior to the acquisition. Therefore, prior to the filing of a conservation easement with the Register of Deeds, the Planning Commission must find that the acquisition of an easement is in conformance with the Comprehensive Plan.
6. The purpose of this Comprehensive Plan Conformity item is to determine whether a permanent conservation easement is in conformance with the Comprehensive Plan, not to determine whether a conservation easement should be accepted by the City. However, the City Council will accept the conservation easement by resolution after the Planning Commission determines the easement conforms to the Comprehensive Plan.

Prepared by:

Becky Horner
Planner

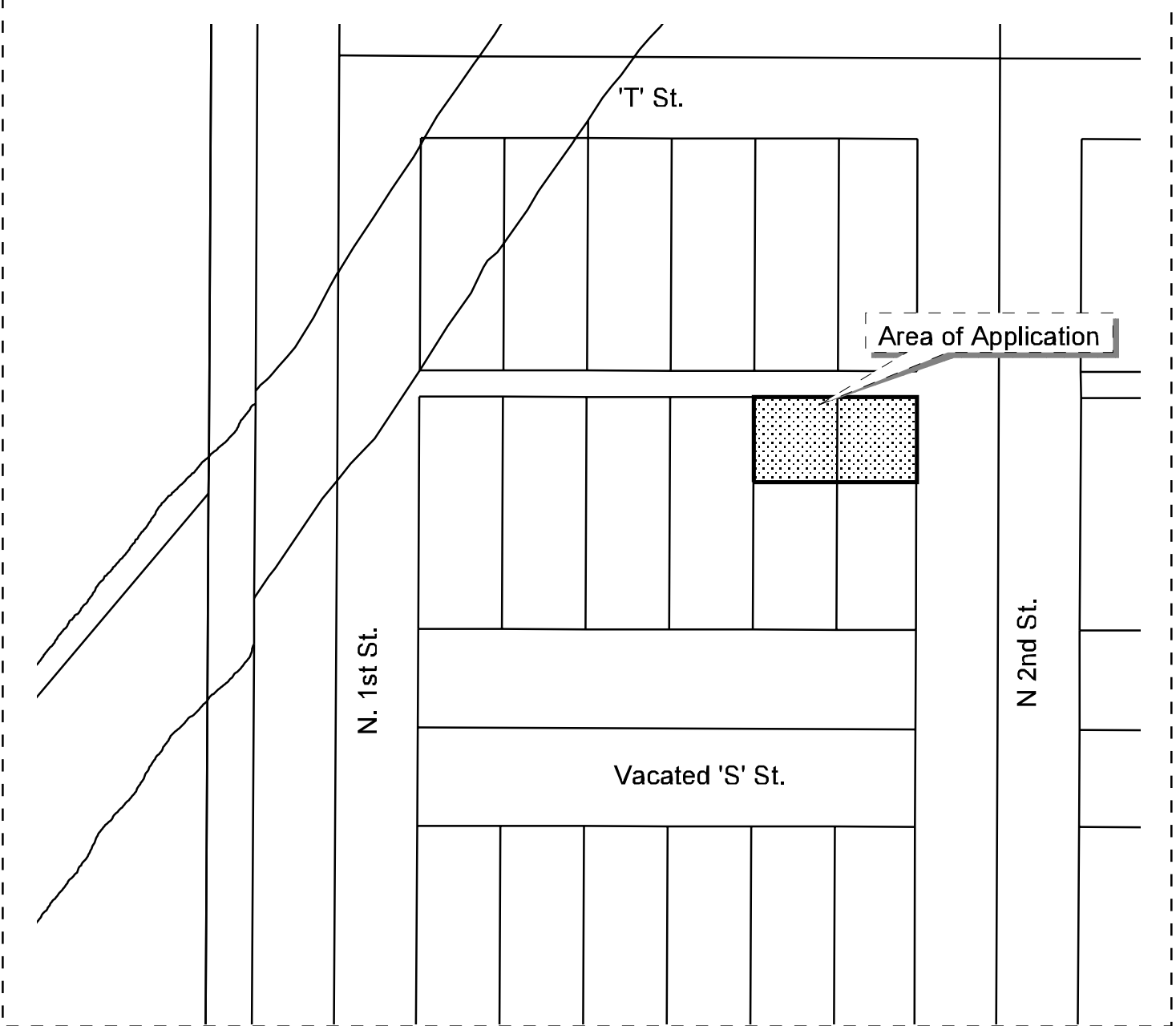


Comp. Plan Conformance #01004
People's City Mission



Photograph Date: 1997

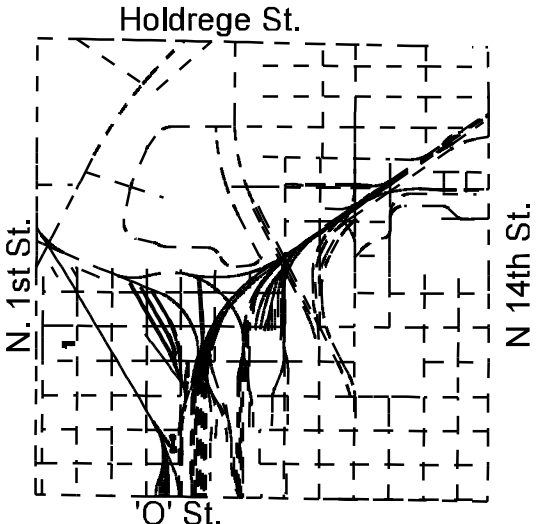
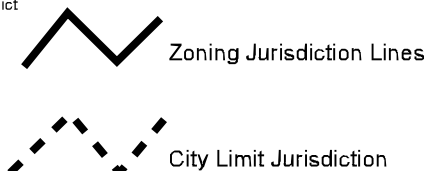
Lincoln City - Lancaster County Planning Dept.



Comp. Plan Conformance #01004 **People's City Mission**

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 23 T10N R6E



**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

Hand Delivery

November 27, 2001

Nicole Fleck-Tooze
City of Lincoln
Department of Public Works
555 South 10th Street
Lincoln, Nebraska 68508

RE: Alley Vacation
Block 264, Lincoln Original Plat


Nicole:

Per our telephone conversation, attached please find revised documents for the referenced alley vacation. The limits of the conservation easement have been revised to provide a volume equal to the displacement of the proposed alley vacation assuming 100% fill of the alley between 1st and 2nd Streets. The resulting easement is located over the north 51.6' of Lots 11 and 12, Block 275, Lincoln Original Plat and is shown on the attached Exhibit "D".

Please advise if additional information is needed.

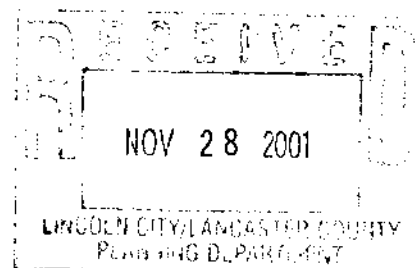
We would like to thank you for your assistance with this application.

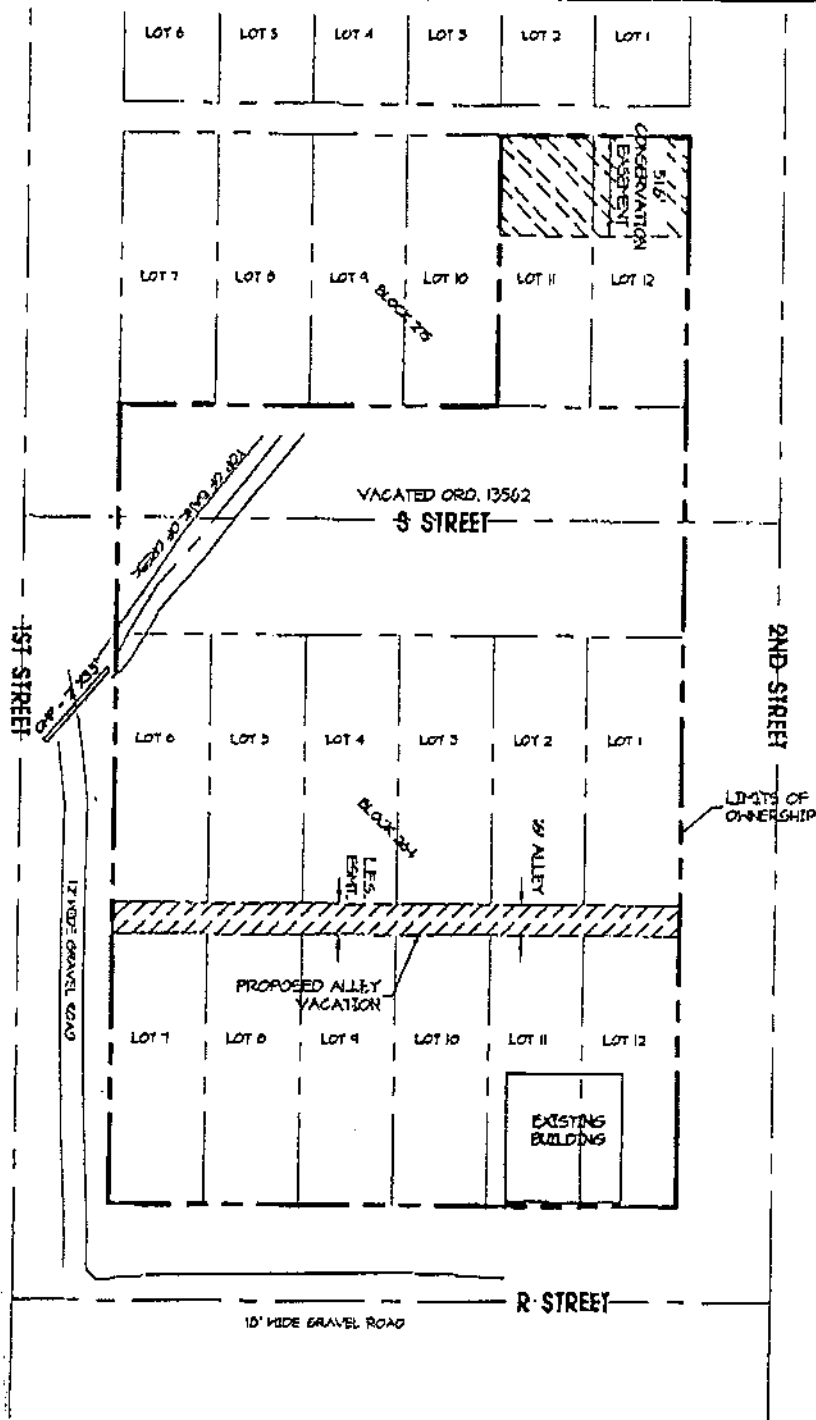
Best regards,


J.D. Burt
For the firm

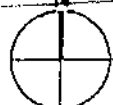
Attachments: Exhibit "C.1" - Proposed Amendment to Flood Plain Permit-Revised
Exhibit "D" - Conservation Easement

cc: John Watson, President, People's City Mission Board
Gerry Harris, People's City Mission





NOV 28 2001
LINCOLN CITY, LANCASTER COUNTY
PLANNING DEPARTMENT



CONVERSATION EASEMENT

SCALE: 1" = 100'

LEGAL DESCRIPTION

THE NORTH 51.6 FEET OF
LOTS 11 AND 12, BLOCK 275,
LINCOLN ORIGINAL,
LINCOLN NEBRASKA

EX. D

DESIGN ASSOCIATES OF LINCOLN, INC.
1609 "N" STREET
LINCOLN, NEBRASKA 68508
PHONE: (402) 474-3000
FAX: (402) 474-4045
dreasac@lincolnebraska.com

PEOPLE'S CITY MISSION
CONSERVATION EASEMENT PLAN
LINCOLN, NEBRASKA

NOV 27 2001
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M e m o r a n d u m

[REDACTED]

To: Becky Horner, Planning
From: *Dennis* Dennis Bartels, Engineering Services
Subject: Conservation Easement for People's City Mission at 1st and 'S' Street
Date: November 30, 2001
cc: Roger Figard
Nicole Fleck-Tooze

The proposed alley vacation required a conservation easement. The proposed conservation easement is satisfactory to meet this requirement.

Post-it* Fax Note	7671	Date	# of pages
To	<i>Becky</i>	From	<i>Dennis</i>
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	